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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/807,491

03/23/2004

Robert J. Zolla

87596PCW

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08/08/2006

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EXAMINER

ROGERS, SCOTT A

ART UNIT

PAPER NUMBER

2625

DATE MAILED: 08/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/807,491	ZOLLA ET AL.	
	Examiner	Art Unit	
	Scott A. Rogers	2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,6,8,12,13,17,19 and 21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,6,8,12,13,17,19 and 21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>Detailed Action (p. 2-5)</u> |

DETAILED ACTION

Response to Arguments

Applicant's arguments, see filed 03 July 2006, with respect to the rejection(s) of claim 1 under 35 USC 102(e) and claims 1, 2, 6, 8, 12, 13, 17, 19 and 21 under 35 USC 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Wicker (US 2003/0030271 A!).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 6, 12, 13, and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Wicker (US 2003/0030271 A!).

Referring to claim 1:

Wicker discloses a method for recording a watermark pattern on a color recording medium that forms an image thereon using a number N of colorants, where N is equal to or greater than three, the method comprising the step of forming the

watermark pattern using at least two colorants, but fewer than N colorants at each spatial location of the watermark pattern. See paragraph 28 and 41.

Referring to claim 2:

Wicker disclose that forming a watermark pattern may be done by any known printing method, which would include applying exposure energy onto the recording medium (see paragraph 41).

Referring to claim 6:

Wicker disclose that forming a watermark pattern may be done by any known printing method, which would include use of a photosensitive recording medium (see paragraph 41).

Referring to claim 12:

Wicker disclose that forming a watermark pattern may be done by any known printing method, which would include using light as the exposure energy (see paragraph 41).

Referring to claim 13:

Wicker disclose that forming a watermark pattern may be done by any known printing method, which would include using heat as the applied exposure energy (see paragraph 41).

Referring to claim 17:

Wicker discloses a method for recording a watermark pattern by any known printing method, which would include formation on a photosensitive color recording medium, the medium having at least a cyan colorant-producing component, a magenta

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colorant-producing component, and a yellow colorant-producing component, and the method comprising the step of exposing the watermark pattern to both the magenta colorant producing component and the yellow colorant-producing component but not to the cyan colorant-producing component of the color recording medium at each spatial location of the watermark pattern. See paragraphs 27-28 and 41.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8, 19, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wicker as applied to claims 1 and 17 above, and further in view of Lowe et al (US 2003/0012569 A1).

Referring to claim 8:

While not disclosed by Wicker, Lowe et al disclose the recording medium as a motion picture negative (see abstract and paragraph 12).

Referring to claim 19:

While not disclosed by Wicker, Lowe et al disclose the step of forming a watermark pattern by exposure of the recording medium being performed prior to exposure of the recording medium to image content (see abstract and paragraph 11).

Referring to claim 21:

While not disclosed by Wicker, Lowe et al disclose the recording medium as a motion picture negative (see abstract and paragraph 12).

Referring to claims 8, 19, and 21 above, respectively, it would have been obvious to one of ordinary skill in the art to have combined the watermark pattern forming application taught by Lowe et al, with the color watermark pattern recording application taught by Wicker for device-control or other data-conveying purposes in emulsion media (e.g., photographic film or paper) by pre-processing the media to impart the watermark pattern to the emulsion. See abstract and paragraphs 5 and 6 in Lowe et al.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott A Rogers whose telephone number is 571-272-7467. The examiner can normally be reached Monday through Friday 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Moore can be reached at 571-272-7437.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to TC2600 Customer Service at 571-272-2600. Official correspondence by facsimile should be sent to 571-273-8300. The USPTO contact Center phone numbers are 800-PTO-9199.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

20 July 2006


SCOTT ROGERS
PRIMARY EXAMINER